Durham County approves fee delay for 751 South developers

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Body

May 10--***DURHAM*** -- ***Durham County*** commissioners voted 3-2 Monday to let ***Southern*** ***Durham*** Development postpone paying nearly $1 million in state environmental ***fees***.

The vote follows a request to help move the controversial and cash-strapped ***751*** ***South*** development forward.

Commissioners Michael Page, Brenda Howerton and Fred Foster voted in favor of the payment ***delay***. Ellen Reckhow and Wendy Jacobs voted against it

In general, all development within the Falls Lake and Jordan Lake watersheds must meet nutrient pollution management rules. The rules mandate that the bulk of the nutrients, nitrogen and phosphorus, be managed on site through stormwater devices, said landscape architect Dan Jewell, who represented ***Southern*** ***Durham*** Development. Once a certain level of on-site thresholds are met, a mitigation payment has to be made to a state fund, which pays for other water-quality enhancement projects within the same watershed basin.

Those mitigation payments are generally paid at the time of a development's site plan approval, before actual construction begins.

Jewell successfully asked the commissioners to allow that payment to be made before the Certificate of Occupancy is granted, which is later stage in the development process.

The request follows the state's increasing in late 2014 the rate of the offset payment for phosphorus by a factor of three and for nitrogen by a factor of 12, Jewell said. That increased ***Southern*** ***Durham*** Development's payment for phase one from about $100,000 to $800,000, he said.

It is not a law or a city or ***county*** ordinance that requires the payments be made before the site plan is ***approved***, Jewell said.

"It's not even a written policy; it is just simply the practice that has been followed," he said.

As initially proposed, ***751*** ***South*** was set to include as much as 600,000 square feet of office and commercial space, and as many as 1,300 residences. The project has been the focus of multiple lawsuits since it was announced in early 2008.

Opponents claim the project threatens water quality in the already-polluted Jordan Lake and objected to tactics the ***developers***' supporters have used to win government approvals for the project.

In July 2013, the General Assembly ***approved*** legislation that overruled the ***Durham*** City Council's vote against a utility extension and annexation for the 167-acre ***751*** ***South*** and the 87-acre adjoining Colvard Farms Tract near Jordan Lake and the Chatham ***County*** line.

Supporters have touted the project's economic impact and the jobs it would bring to the ***county***. The ***developers*** say their stormwater controls will keep ***751*** ***South*** from harming the lake.

Reckhow said mitigation payments should be made before construction begins to mitigate any damage during the process.

"The worst water-quality impacts can actually happen during construction," she said.

Jacobs expressed concern about the ***developer*** running out of money and not paying the ***fee***.

Reckhow and Jacobs, who both asked for the vote to be ***delayed***, also expressed concern about statements made by staff indicating it would result in an increased work flow.

Page, however, expressed concern about the divisive project not moving forward after it has come so far. He likened it to the opposition to The Streets at Southpoint -- place where he said he can never find a parking place.

Howerton, who said her life was threatened during the ***751*** ***South*** consideration process, pointed out that she had been re-elected since she supported the project, which she said would provide benefits to the area.

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